



## **Code of Ethics for Trinity City Council**

### **Preamble Resolution?**

**WHEREAS**, the Constitution of North Carolina, Article I, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty”; and

**WHEREAS**, a spirit of honesty and forthrightness is reflected in North Carolina’s State Motto, *Esse Quam Videri*, “To be rather than to seem”; and

**WHEREAS**, Section 160A-86 of the North Carolina General Statutes requires local governing boards adopt a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of that governing board ; and

**WHEREAS**, as public officials we are charged with upholding the trust of the citizens and residents of Randolph County and with obeying the law; and

**WHEREAS**, as public officials of the City of Trinity, we believe our citizens are entitled to the most open and ethical government possible under the law.

**NOW THEREFORE**, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens and residents of Randolph County, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Mayor and The City Council of the City of Trinity do hereby adopt the following General Principles and Code of Ethics to guide the City Council in their lawful decision-making.

**FURTHER**, the Trinity City Council directs all advisory boards and committees that currently serve, or which may in the future be created to serve the City of Trinity, to respect and abide by these same General Principles and Code of Ethics in the performance of their lawful duties inasmuch as they may apply to the performance thereof.

## **GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS**

- The stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government, and upon the responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policies must be made and implemented through proper channels and processes of the governmental structure.
- Council members must act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent.
- Council members must always remain aware that at various times they play different roles:
  - As advocates who strive to advance the legitimate needs of their citizens and residents,
  - As legislators who balance public interest and private rights in considering and enacting ordinances, orders, and resolutions, and
  - As fair and impartial decision-makers when making legislative, quasi-judicial and administrative decisions.

Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

- Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her conscience the touchstone to determine and choose appropriate conduct.

## **CODE OF ETHICS**

**Purpose.** The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Mayor and City Council and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or a Council member's ethical judgment.

**Section 1.** **The need to obey all applicable laws regarding official actions taken as the Mayor and all Council members.**

- The Mayor and all Council members should obey all laws that apply to their official actions as members of the Council. Council members should be guided by the spirit and the letter of the law in whatever they do. At the same time, Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow Council

members or citizens. To assert that a Council member is behaving unethically since one has a disagreement with that Council member based on a question of policy (and not on the Council member's ethical behavior) is unfair, dishonest, irresponsible, and is itself unethical.

- The Mayor and all Council members should endeavor to keep themselves up-to-date, through the Council's attorney and other sources, on 1) the pertinent constitutional, statutory, and other legal requirements with which they must be familiar, and 2) new or ongoing legal and ethical issues that they may face in the official positions.
- The Mayor and all Council members shall comply with General Statute §160A-87 (Ethics law) and participate in the periodic ethics education mandated by said statute.

**Section 2. The Mayor and all Council members should act with integrity and independence from improper influence as they exercise the duties of their office. Characteristics and behaviors consistent with this standard include, but are not limited to, the following:**

- Adhering firmly to the City's established Vision and Mission and shared code of sound values;
- Behaving consistently and with respect toward everyone with whom they interact;
- Exhibiting trustworthiness;
- Living as if they are on duty as elected officials at all times regardless of where they are or what they are doing;
- Using their best independent judgment to pursue the common good as they see it and presenting their opinions to all in a reasonable, forthright, consistent manner;
- Remaining incorruptible, self-governing, and unaffected by improper influence while simultaneously maintaining the ability to consider the opinions and ideas of others;
- Declaring publicly conflicts of interest such as a financial or familial relationship;;
- Exercising the individual responsibility and duty to vote while remaining neutrality in elections related to Mayor and Trinity City Council members;
- Treating the Mayor, other City Council members, City staff, and the public with respect and honoring the opinions of others even when Council members disagree with those opinions;
- Reaching conclusions on issues only after all sides have been heard;
- Showing respect for their office and avoiding behavior that could reflect badly on those in office or the City of Trinity;

- Meeting citizen expectations for local officials to act in the best interest of the public and not to use their office for their personal benefit;
- Working with the Mayor, Council and City staff to promote behavior that encourages residents' confidence in City government;
- Recognizing that they are part of a larger group and acting accordingly;
- Recognizing that individual Council members are not generally allowed to act on behalf of the Council unless the Council specifically authorizes it, and that the Council must take official action as a body; and
- Respecting statutory requirements for public records and safeguarding confidentiality of sensitive matters while answering citizen requests in a timely manner.

Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow Council members or citizens. An assertion that a Council member is behaving unethically solely because of a disagreement with other Council member(s) rather than an unethical principle as put forth in this document is unfair, dishonest, irresponsible, and is itself unethical.

**Section 3. The need to avoid impropriety in the exercise of the Mayor and Council member's official duties.**

- The Mayor and all Council members should avoid impropriety in the exercise of their official duties and should take action which is above reproach. All circumstances and information available to the Council member at the time of the Council member's action should be taken into consideration when reviewing a Council member's actions as improper.
- If the Mayor or a Council member concludes that his or her actions, while legal and ethical, may be misunderstood, he or she may seek the advice of the Council's attorney. He or she may also state on the record the information and facts of the situation and the steps taken to resolve it.
- In the event of alleged impropriety by the Mayor or any Council member, the Mayor or Council member shall be afforded the opportunity to explain the situation and all relevant facts.

**Section 4. The need to faithfully perform the duties of the office.**

- The Mayor and all Council members should be faithful in the performance of the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

- The Mayor and all Council members should faithfully prepare for and attend meetings. They should carefully analyze all credible information that is properly submitted to them. They should not engage in communications associated with quasi-judicial matters outside meetings.. The Mayor and all Council members should require full accountability from those over whom the Council has authority.
- The Mayor and all Council members should be willing to bear their fair share of the Council's workload. To the extent appropriate, they should be willing to put the Council's interests ahead of their own.

**Section 5. The Mayor and all Council members should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community consistent with, but not limited to, the following:**

- Keep in mind that trust and respect must continually be earned;
- The Mayor and all Council members should faithfully attend and prepare for meetings;
- Make sure all Council members have the same information with which to make decisions.
- They should carefully analyze all credible information properly submitted to them;
- Submit questions about Council agenda items ahead of the meeting;
- Demand full accountability from those over whom the Council has authority. Council members should be willing to bear their fair share of the Council's workload;
- To the extent appropriate, be willing to put the Council's interests ahead of their own;
- Work as a team to jointly develop and hold itself accountable to a common code of conduct. Demonstrate teamwork by making clear to the public that decision-making power rests with the majority, not with individual Mayor or Council members;
- Conduct the affairs of the Council in an open and public manner, making clear that an environment of transparency and candor is to be maintained at all times in the governmental unit;
- Comply with all applicable laws governing open meetings and public records, recognizing that doing so is paramount to the worthiness of the public's trust;
- Disclose conflicts of interest, including but not limited to financial and familial relationships;
- In order to ensure compliance with laws governing open meetings , the Mayor and all Council members should limit/restrict cell phone use and messaging during public

meetings and should not deliberate outside the meeting whenever a majority is present;  
and

- Take deliberate steps to make certain that any closed sessions held by the Mayor and Council are lawfully conducted, that such sessions do not stray from the purposes for which they are called, and should safeguard the content of closed session meetings from any discussion outside a closed session.
- When violations of this Code of Ethics occur, the Mayor and City Council will promptly consult with the City Attorney, North Carolina League of Municipalities, and/or the University of North Carolina at Chapel Hill School of Government to rectify the violation.

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Mayor Richard McNabb

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Barry Allison

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Ed Lohr

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Deborah Jacky

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Paul Welborn

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Robbie Walker